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EXTRAORDINARY

PART II—Section 2

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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 25th August, 1960:—

Bill No. XXIV of 1960

A bill further to amend the Indian Aircraft Act, 1934.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Indian Aircraft (Amendment) Act, Short title. 1960.
2. In the Indian Aircraft Act, 1934 (hereinafter referred to as Amendment the principal Act), in sub-section (1) of section 1, the word "Indian" of section 1. shall be omitted.
3. In section 5 of the principal Act, sub-section (3) shall be Amendment of section 5. omitted.
4. For section 10 of the principal Act, the following section shall Substitution of new section for section 10. be substituted, namely:—

"10. (1) If any person contravenes any provision of any rule made under clause (l) of sub-section (2) of section 5 prohibiting or regulating the carriage in aircraft of arms, explosives or other dangerous goods, or when required under the rules made under that clause to give information in relation to any such goods gives information which is false and which he

either knows or believes to be false or does not believe to be true he, and if he is not the owner, the owner also (unless the owner proves that the offence was committed without his knowledge, consent or connivance) shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

(2) In making any other rule under section 5 or in making any rule under section 7, section 8, section 8A or section 8B, the Central Government may direct that a breach of it shall be punishable with imprisonment for a period which may extend to three months, or with fine which may extend to one thousand rupees, or with both.”.

Amendment of section 13. 5. In section 13 of the principal Act, for the words, letters, brackets and figures “Where any person is convicted of an offence punishable under any rule made under clause (i) or clause (l) of sub-section (2) of section 5”, the words, figures, brackets and letter “Where any person is convicted of an offence punishable under sub-section (1) of section 10 or under any rule made under clause (i) of sub-section (2) of section 5” shall be substituted.

Insertion of new section 14A. 6. After section 14 of the principal Act, the following section shall be inserted, namely:—

Laying of rules before Parliament.

“14A. Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

STATEMENT OF OBJECTS AND REASONS

Section 5 of the Indian Aircraft Act, 1934 *inter alia* authorises rules being made for the prohibition and regulation of the carriage in aircraft of any specified article or substance, and rule 8 of the Indian Aircraft Rules, 1937 regulates the transport by air of 'dangerous' goods. Cases have occurred where packages containing dangerous goods have been presented by certain parties for carriage by air to operators with a false declaration as to the nature of the contents. While the carriage of such articles can result in loss of human lives and enormous financial loss, the maximum punishment which can be awarded under section 10 for breach of the said rule 8 is imprisonment for a term not exceeding three months, or fine of any amount not exceeding Rs. 1,000, or both. This punishment is not considered adequate. It is, therefore, proposed to enhance the punishment for carriage of such goods in contravention of the Indian Aircraft Rules or for giving false information in relation to such goods, and to make the owner also liable in certain cases.

NEW DELHI;
The 17th August, 1960.

P. SUBBARAYAN.

S. N. MUKERJEE,
Secretary.

